

# ***DRAFT***

## **MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 17, 2009**

**-1-**

THE CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, FEBRUARY 17, 2009, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

### **THE FOLLOWING MEMBERS WERE PRESENT:**

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Joel Coleman (Arrived as noted)  
Corey Rushton  
Steve Vincent  
Mike Winder (Arrived as noted)

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

### **STAFF PRESENT:**

Paul Isaac, Assistant City Manager  
John Evans, Fire Chief  
Layne Morris, Community Preservation Director  
Kevin Astill, Parks and Recreation Director  
Jim Welch, Finance Director  
Russell Willardson, Public Works Director  
Anita Schwemmer, Acting Police Chief  
Tim Bywater, Acting City Attorney  
John Janson, Acting CED Director  
Nicole Cottle, Law Department  
Steve Pastorik, CED Department  
Brent Garlick, CED Department  
Ralph Lee, CED Department  
Aaron Crim, Administration  
Owen Jackson, Administration  
Jake Arslanian, Public Works Department

1. **APPROVAL OF MINUTES OF STUDY MEETING HELD FEBRUARY 3, 2009**  
The Council read and considered the Minutes of the Study Meeting held February 3, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Study Meeting held February 3, 2009, as written. Councilmember Burt seconded the motion.

# ***DRAFT***

# ***DRAFT***

## **MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 17, 2009**

**-2-**

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

### **2. LEGISLATIVE UPDATE**

Upon direction of City Manager, Wayne Pyle, Nicole Cottle, Law Department, distributed and discussed a tracking list of bills in the State Legislature. Ms. Cottle also reviewed certain bills and issues of interest to the City, including the local ZAP tax, ambulance services, townships, and no contact order, and others.

Councilmember Coleman arrived at the meeting at 4:33 P.M.

Ms. Cottle answered questions from members of the City Council regarding issues discussed above.

### **3. JORDAN RIVER MARKETPLACE UPDATE**

City Manager, Wayne Pyle, discussed the Jordan River Marketplace project. Upon direction by the City Manager, Brent Garlick, CED Department, introduced the following individuals in attendance at the meeting: Brad Knowlton, President, Ascent Construction, Inc., developer, Jordan River Marketplace LLC; Bob Murri, Marketing Director, Ascent Construction, Inc.; Soren Simonsen, Principal, Cooper Roberts Simonsen Associates, Inc., and Kathleen Hill, Project Team Leader, Cooper Roberts Simonsen Associates, Inc.

Mr. Garlick discussed background information regarding the project and explained the entities owning property within the area of the proposed project would be partners through interlocal agreements. He stated they desired the City Council to understand exactly what had been proposed by the developer, Ascent Construction Jordan River Marketplace, LLC.

Councilmember Winder arrived at the meeting at 4:41 P.M.

Brad Knowlton, President, Ascent Construction, Inc., discussed issues regarding architectural design and the possible need for lot splitting.

# ***DRAFT***

# ***DRAFT***

## **MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 17, 2009**

**-3-**

City Manager, Wayne Pyle, stated he desired to bring the concept back to the City Council and provide a general update with an in-depth discussion of issues being negotiated by staff.

Mr. Knowlton expressed the desire to comply with all City ordinances and requirements and stated the development would be an upscale, quality project. He indicated they wanted a “buy-in” by the City.

Using PowerPoint, Brent Garlick and Brad Knowlton discussed information summarized as follows:

- Aerial photograph of entire property
- Conceptual site plan
- Details regarding elements in the three phases of the project
- Wetlands issues needing to be resolved prior to building road
- Drawing showing parcels and their owners
- Challenges to be worked through related to certain parcel
- Vision for the project

During the above discussion and presentation of information, Brent Garlick, Brad Knowlton, Soren Simonsen and City Manager, Wayne Pyle, answered questions from members of the City Council.

Mayor Nordfelt summarized and stated the City Council understood that lot splitting would probably be part of the project. He indicated the Council desired something special and extra-ordinary in this gateway to the City.

#### **4. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED FEBRUARY 17, 2009**

City Manager, Wayne Pyle, stated one new item had been added to the Agenda for the Regular Meeting scheduled February 17, 2009, at 6:30 P.M. as follows:

#### **Item No. 9. C. – RESOLUTION NO. 09-110, APPROVE REAL ESTATE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY, GRANITE SCHOOL DISTRICT, AND HEIRS OF THE WOODBURY FAMILY, TO PROVIDE FOR THE SALE OF GRANGER PARK TO THE SCHOOL DISTRICT TO USE IN THE CONSTRUCTION OF A NEW HIGH SCHOOL**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-110 which would approve a Real Estate Purchase and Sale Agreement between the City, Granite School District, and heirs of the Woodbury Family, to provide for the sale of Granger Park to the School District to use in the construction of a new high school.

# ***DRAFT***

# ***DRAFT***

## **MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 17, 2009**

**-4-**

Mr. Pyle stated through the subject agreement the City would sell the Granger Park property to Granite School District for the sum of \$1,353,300.00. He also stated the agreement provided payment to the City would be negotiated during the planning and construction of the new school and could consist of cash, or new park land and improvements acceptable to the City in lieu of cash, or a combination of cash, land and/or improvements or city/school shared improvements. He indicated the agreement also provided for the District to compensate the Woodbury family for their legal interests in the property.

The City Manager reported the subject resolution was a replacement for Resolution No. 08-308 approved by the Council on December 16, 2008. He indicated the revised agreement changed the purchase price from \$1.6 million to \$1,353,300, which change had been necessary to accurately reflect a reduction in the size of the property due to sale of a portion of the property to the Utah Department of Transportation (UDOT) for widening of 3500 South. He stated completion of the transaction would facilitate construction of a new Granger High School by Granite School District.

City Manager, Wayne Pyle, further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council discussed the proposal and expressed respective opinions regarding certain language in the agreement, particularly Article 2 on page 5. Nicole Cottle, Law Department, also answered questions regarding terms of the proposed agreement. City Manager, Wayne Pyle, advised that if the Council desired, staff could further negotiate certain terms and/or language of the subject agreement.

Upon further discussion, the Council discussed tabling the proposed resolution to allow additional time for staff to renegotiate some terms of the subject agreement.

Upon inquiry by City Manager, Wayne Pyle, there were no further questions regarding items on the Agenda for the Regular Council Meeting scheduled February 17, 2009, at 6:30 P.M.

5. **ORDINANCE NO. 09-06, ENACT SECTIONS 3-10-1300P THROUGH 3-10-1305 OF TITLE 3 OF THE WEST VALLEY CITY MUNICIPAL CODE IN ORDER TO ESTABLISH AN AUDIT REVIEW COMMITTEE**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 09-06 which would enact Sections 3-10-1300P through 3-10-1305 of Title 3 of the West Valley City Municipal Code in order to establish an Audit Review Committee.

Mr. Pyle stated the City currently engaged independent auditors to conduct an annual audit of its financial statement. However, the Council desired to establish an Audit Review Committee to provide for oversight and serve as a communication link between

# ***DRAFT***

# ***DRAFT***

## **MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 17, 2009**

**-5-**

the independent auditor and the City Council. He stated the Committee would consist of five members, as follows: two City Council members, a City staff member, a finance director from another municipality or public organization, and a member of the community with related experience and expertise. He indicated committee members would be appointed by the City Manager with the advice and consent of the City Council and preference would be given to persons with accounting or auditing experience, background or expertise. He also stated members of the committee would serve up to three year terms and be responsible for the following:

- Recommend to the Council an independent firm of certified public accountants to perform the annual audit of the City
- Analyze and report to the Council significant findings in the annual audit report and make recommendations regarding such findings
- Make recommendations, if any, to the Council regarding the following financial documents:
  1. Annual financial statements
  2. Management letter submitted by the independent auditor, and
  3. Response to management letter submitted by City staff

Finance Director, Jim Welch, further reviewed the proposed Ordinance and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-06 at the Regular Council Meeting scheduled February 24, 2009, at 6:30 P.M.

6. **RESOLUTION NO. 09-111, APPROVE AGREEMENT WITH THE UTAH COALITION FOR ANIMALS DBA NO MORE HOMELESS PETS, IN ORDER TO REDUCE THE NUISANCE CAUSED BY STRAY CATS**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-111 which would approve an Agreement with the Utah Coalition for Animals dba No More Homeless Pets, in order to reduce the nuisance caused by stray cats.

Mr. Pyle stated the Trap Neuter and Return (TNR) program with the Utah Coalition for Animals helped control the over population of stray cats that terrorized neighborhoods. He further stated stray cats continued to populate thereby increasing that population and problems within neighborhoods, and requiring citizens and City personnel time and expense to trap, impound, house, feed, and ultimately euthanize the animals. He indicated the program provided neutering of cats and lowered population thereby decreasing problems and/or nuisances which then reduced the impounding of cats and saving taxpayers money.

The City Manager reported that No More Homeless Pets (NMHP) and West Valley City had been partners in the program for three years. He indicated this would be a renewal of

# ***DRAFT***

# ***DRAFT***

## **MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 17, 2009**

**-6-**

the fourth year. He stated success of the program had lowered the intake of stray and feral cats to the City shelter with minimal staff involvement other than referring citizens to the program; and the NMHP personnel performed the duties.

Layne Morris, Community Preservation Director, further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-111 at the Regular Council Meeting scheduled February 24, 2009, at 6:30 P.M.

7. **RESOLUTION NO. 09-112, APPROVE AMENDMENT TO COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR PROJECT NO. STP-2164(3) REGARDING THE 3600 WEST RECONSTRUCTION PROJECT FROM 3500 SOUTH TO 4100 SOUTH**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-112 which would approve an Amendment to Cooperative Agreement with the Utah Department of Transportation (UDOT) for Project No. STP-2164(3) regarding the 3600 West Reconstruction Project from 3500 South to 4100 South.

Mr. Pyle stated the proposed agreement would modify an existing contract between the City, UDOT and Construction Materials Testing (CMT) Eng Labs.

The City Manager reported as part of the 3600 West Reconstruction Project, West Valley City, UDOT, and CMT Eng Labs entered into an agreement to provide construction material laboratory work for a cost of \$42,856.17. He indicated it had later been determined to be in the best interest of the project to contract with CMT Eng Labs to perform all the field materials testing, in addition to the lab work. He indicated the agreement increased the total amount paid to CMT Eng Labs to a total of \$85,902.45. He stated there were sufficient federal funds for the project to cover the cost of these services and the City match for the increase would be deducted from the amount currently on deposit with UDOT. He explained no additional money from the City would be required.

Public Works Director, Russell Willardson, further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 09-112 at the Regular Council Meeting scheduled February 24, 2009, at 6:30 P.M.

8. **CONSENT AGENDA SCHEDULED FEBRUARY 24, 2009:**  
A. **RESOLUTION NO. 09-113, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ADRIANA AND THOMAS BERNEIKE FOR PROPERTY LOCATED AT 4084 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT**

# ***DRAFT***

# ***DRAFT***

## **MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 17, 2009**

**-7-**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-113 which would accept a Grant of Temporary Construction Easement from Adriana and Thomas Berneike for property located 4084 S. Acord Way for the Sunnyvale Acord Sidewalk Project.

Mr. Pyle stated Adriana and Thomas Berneike had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He stated the Grant of Temporary Construction Easement would allow the contractor to make the necessary tie-ins to the property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

**B. RESOLUTION NO. 09-114, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ANTONIO LEMUS FOR PROPERTY LOCATED AT 4024 S. ACORD WAY FOR THE SUNNYVALE ACORD SIDEWALK PROJECT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-114 which would accept a Grant of Temporary Construction Easement from Antonio Lemus for property located 4024 S. Acord Way for the Sunnyvale Acord Sidewalk Project.

Mr. Pyle stated Antonio Lemus had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Sunnyvale Acord Sidewalk Project. He stated the Grant of Temporary Construction Easement would allow the contractor to make the necessary tie-ins to the property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2010.

**C. RESOLUTION NO. 09-115, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM EDWARD AND LOIS GASU FOR PROPERTY LOCATED AT 3873 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-115 which would accept a Grant of Temporary Construction Easement from Edward and Lois Gasu for property located at 3873 South 5200 West for the 5200 West Improvement Project.

# ***DRAFT***

# ***DRAFT***

## **MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 17, 2009**

**-8-**

Mr. Pyle stated Edward and Lois Gasu had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He stated the easement would allow the contractor to make the necessary tie-ins to the property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

**D. RESOLUTION NO. 09-116, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BRIAN AND SANDRA WHITTAKER FOR PROPERTY LOCATED AT 3701 SOUTH 5200 WEST FOR THE 5200 WEST IMPROVEMENT PROJECT**

City Manager, Wayne Pyle, discussed proposed Resolution No. 09-116 which would accept a Grant of Temporary Construction Easement from Brian and Sandra Whittaker for property located at 3701 South 5200 West for the 5200 West Improvement Project.

Mr. Pyle stated Brian and Sandra Whittaker had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 5200 West Improvement Project extending from 3500 South to 4100 South. He stated the easement would allow the contractor to make the necessary tie-ins to the property. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire on December 31, 2010.

The City Council will consider proposed Resolution Nos. 09-113 through 09-116 at the Regular Council Meeting scheduled February 24, 2009, at 6:30 P.M.

**9. COMMUNICATIONS:**

**A. COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the Council had previously received a Memorandum outlining upcoming meetings and events as follows: February 20, 2009: ChamberWest Night at the Grizzlies, E-Center; February 23, 2009: Winter Concert – Los Hermanos de Los Andes, UCCC, 7:30 P.M.; February 24, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; February 25, 2009: Fire Department Retirement Ceremony for Captain Russ Carr, Captain Bryan Gines and Captain Rob Knighton, UCCC, 4:00 P.M. – 6:00 P.M.; March 3, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 9, 2009: 2009 Crime Prevention Seminar, Topic: National

# ***DRAFT***



# ***DRAFT***

## **MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 17, 2009**

**-9-**

Inhalant and Poisons Awareness Month, Family Fitness Center, 6:30 PM. – 7:30 P.M.; March 10, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 14-18, 2009: National League of Cities Conference, Washington, D.C.; March 17, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 20 – May 27, 2009: Art Exhibit – Exit Saigon, Enter Little Saigon: Vietnamese America Since 1975, UCCC; March 24, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; March 31, 2009: Special Council Study Meeting, 4:30 P.M.; April 7, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 13, 2009: 2009 Crime Prevention Seminar, Topic: National Alcohol Awareness Month, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; April 14, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 15-17, 2009: ULCT Mid-Year Conference, St. George; April 21, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 28, 2009: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 7, 2009: UDOT Annual Meeting with Salt Lake County and Cities, Calvin Rampton Complex, Administration Conference Room, 1<sup>st</sup> Floor, 4501 South 2700 West, 9:00 A.M. – 11:00 A.M.; May 11, 2009: 2009 Crime Prevention Seminar, Topic: National Safe Kids Month (Internet Safety), Family Fitness Center, 6:30 P.M. – 7:30 P.M.; May 15, 2009: ChamberWest Golf Classic, Meadowbrook Golf Course; June 8, 2009: 2009 Crime Prevention Seminar, Topic: Graffiti Awareness, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; July 13, 2009: 2009 Crime Prevention Seminar, Topic: Home Safety, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; August 10, 2009: 2009 Crime Prevention Seminar, Topic: ID Theft and Senior Fraud, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; September 14, 2009: 2009 Crime Prevention Seminar, Topic: National Preparedness Month (CERT), Family Fitness Center, 6:30 P.M. – 7:30 P.M.; September 30, 2009: Lake Park Owners Golf Social, Stonebridge Golf Course, 8:00 A.M. – 1:00 P.M.; October 19, 2009: 2009 Crime Prevention Seminar, Topic: National Domestic Violence Awareness Month, Family Fitness Center, 6:30 P.M. – 7:30 P.M.; and November 9, 2009: 2009 Crime Prevention Seminar, Topic: Gang Awareness, Family Fitness Center, 6:30 P.M. – 7:30 P.M.

**10. COUNCIL REPORTS:**

**A. COUNCILMEMBER JOEL COLEMAN – REQUEST TO BE EXCUSED FROM COUNCIL MEETINGS**

Councilmember Coleman explained he had out of town guests and requested to be excused from the Regular Council Meeting this date, and in addition be excused from the two scheduled Council Meetings the following week.

# ***DRAFT***

# ***DRAFT***

## **MINUTES OF COUNCIL STUDY MEETING – FEBRUARY 17, 2009**

**-10-**

**B. COUNCILMEMBER CAROLYNN BURT – REQUEST FOR SPEAKER AND CEP REPORT**

Councilmember Burt requested Layne Morris, Community Preservation Director, or the City Manager, speak at the Municipal Association of Council of Governments (COG) upcoming meeting, regarding the creation and responsibilities of the Community Preservation Department.

Councilmember Burt also reported regarding the CEP (Community Education Partnership) and grants they were attempting to obtain.

**C. COUNCILMEMBER STEVE VINCENT – NEW RIBBON LIGHTING AT E-CENTER**

Councilmember Vincent reported the new ribbon lighting had been used at the E-Center for the first time the previous night during the hockey game.

**D. MAYOR DENNIS NORDFELT – CHAMBERWEST & ULCT**

Mayor Nordfelt discussed the membership certificate for ChamberWest. He stated he had received the ULCT publication, “Making Sense of Dollars – a Guide to Local Finance in Utah” and suggested all elected officials should review the publication as it contained valuable information.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, FEBRUARY 17, 2009, WAS ADJOURNED AT 6:07 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, February 17, 2009.

---

Sheri McKendrick, MMC  
City Recorder

# ***DRAFT***